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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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ERIC WATKINS,

§

Petitioner,

§

*versus*

§ CIVIL ACTION NO. 1:09-CV-300

JOSE VASQUEZ,

§

Respondent.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, Eric Watkins, formerly an inmate confined at the FCI Facility in Jesup, Georgia, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed without prejudice as moot.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). As petitioner has been released from prison, he has failed to show this court has jurisdiction to make a determination of whether he has served excess prison time and ultimately restore good conduct time credit as requested. As such, petitioner's objections are without merit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 1st day of July, 2010.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE